COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

A Tradition of Service

DATE: February 26, 2010

OFFICE CORRESPONDENCE FILE NO. SH2239896

FROM: ERIC B. SMITH, COMMANDER
LEADERSHIP AND TRAINING DIVISION

TO: KARYN MANNIS, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE DISPOSITION:**
DEPUTY DANTA MOORE #[redacted]
ALTADENA STATION

On March 10, 2009, at approximately 2034 hours, Deputy Danta Moore shot Suspect [redacted] after the suspect assaulted him with a large knife.

Deputies Brett Binder and Danta Moore were assigned to Unit 73 during the PM shift. They received a 9-1-1 call of a fight involving Suspect [redacted] and his [redacted] in front of their residence. The call was updated to a possible stabbing in progress.

Deputies Binder and Moore responded to the location. As the deputies arrived, Deputy Moore stepped out of the radio car, and saw Suspect [redacted] emerge from the front yard of his residence. The suspect was holding a large kitchen knife and began stabbing the hood of a truck that was parked next to where Deputy Moore was standing.

Deputy Moore was approximately five feet away from Suspect [redacted] when he ordered the suspect to drop the knife. Suspect [redacted] refused to comply and began advancing toward Deputy Moore.

Fearing that he was about to be stabbed, Deputy Moore fired one round at Suspect [redacted] striking him. Suspect [redacted] then dropped the knife and fell to the ground.

Suspect [redacted] sustained a gunshot wound to the lower abdomen. He was transported to Huntington Hospital.

One expended 9mm shell casing, one expended 9mm bullet projectile, and one 14-inch kitchen knife were recovered from the scene.

On February 11, 2010, the Executive Force Review Committee convened and conducted a review regarding the facts of this case. The applicable policies that were evaluated by the committee were: MPP §§ 3-01/025.00, Use of Force; 3-01/025.30, Use of Firearms and Deadly Force; 3-01/025.10, Unreasonable Force; and 3-01/050.10, Performance to Standards.

Concerning:

MPP § 3-01/025.00, Use of Force, MPP § 3-01/025.30, Use of Firearms and Deadly Force, and MPP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputy Danta Moore #[redacted] was reasonable and necessary and in compliance with Department policy.

MPP § 3-01/050.10, Performance to Standards, the Committee determined that the tactics employed by Deputy Danta Moore #[redacted] in this incident were within Department Policy.

The Committee directs the unit commander to counsel and debrief this incident with Deputy Danta Moore #[redacted] Documentation of the counseling and debriefing with Deputy Danta Moore #[redacted] must be returned with the Unit Commander Response form.

Eric B. Smith, Commander

EBS:YLW/ylw

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

A Tradition of Service

DATE: March 19, 2010

OFFICE CORRESPONDENCE FILE NO. SH2239896

FROM: ERIC B. SMITH, COMMANDER
LEADERSHIP & TRAINING DIVISION

TO: STEVEN M. MCLEAN, ACTING CAPTAIN
ALTADENA STATION

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS AND RECOMMENDATIONS US OF FORCE**

The purpose of this memo is to notify you of the review committee's findings and recommendations concerning the use of force incident which occurred on March 10, 2009.

The Committee met on February 11, 2010 and consisted of me, Commander Daryl Evans, Technical Services Division, and Commander Stephen B. Johnson, Custody Operations Division. The Committee determined the use of force by Deputy Danta Moore #[redacted] was within Department policy.

Please advise the deputy of this finding.

The Committee directs the unit commander to counsel and debrief this incident with Deputy Danta Moore #[redacted] Documentation of the counseling and debriefing with Deputy Danta Moore #[redacted] must be returned with the Unit Commander Response form.

EBS:YLW/ylw

TABLE OF CONTENTS
SH2239896

Los Angeles County Sheriff's Department

Officer Involved Shooting

Report Date: 03-10-09	Bureau/Station/Facility: Altadena Station	Admin. Invest.? ☐	Hit? ☒

Incident Information

URN: 009-00779-0773-056	Date: 03-10-09 Time: 2040 hrs.
City or Station: Altadena Station	Nature of Incident: Deputies responded to a report of a person attempting to stab a man. When they arrived they saw the subject attempting to stab a vehicle. The deputies ordered him to drop the knife. The subject refused and stepped towards the deputies. Deputy Moore fired one round from his handgun striking the subject in the upper torso.
Location: [redacted] Highview Dr. Altadena	

Location Type (*circle one or more*): Backyard, Beach, Business, Freeway, Industrial, Park, Parking Lot, **Residence**, Rural, School, **Street**, Other: ______

Lighting (*circle only one*): **Darkness**, Daylight, Other, **Street Lights**

Weather (*circle only one*): **Clear**, Cloudy, Fog, Rain

Distance:

Incident Type (*circle one or more*): Accidental, **Armed Person**, Fleeing Suspect, Foot Pursuit, Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, Struggle Involved, Traffic Stop, Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Warning Shot, Other: Handgun

Initiated by (*circle only one*): Arrest Warrant, **Call**, Observation, One Person Unit, Other, Search Warrant, **Two Person Unit**

Prior Activity (*circle only one*): Detective, Inmate Transport, **Other**, Routine Patrol

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect	Aero Unit?	Canine Unit?
1	0	☒	☐

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*)	ShiftType (*circle only one*)
[redacted]	Binder	Brett		EM **PM** Day	**Regular** Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	City	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]	
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]	
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]	

Supervisors

Employee #	Last Name	First Name	M.I.	(*circle one or more*)
[redacted]	Wolschon	Anthony		**On Duty**, Present during shooting, Witness to shooting, Involved in shooting
				On Duty, Present during shooting, Witness to shooting, Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Young	Gloria	

PSTD Use Only
SH # ______

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
03-10-09	2300	03-17-09	

Employee #	Last Name	First Name	M.I
[redacted]	Brickert	Scott	
[redacted]	Maldonado	Albert	
[redacted]	Ramirez	Jack	

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S1	E1	OE					NN	
E1	S1	FH	BR	9	Y	Y	GS	AD

Officer Involved Shooting
Involved Employee Information

URN: 009-00779-0773-056

Involved Employee

E 1

Employee # [redacted]	Last Name: Moore	First Name: Danta	M.I.
Sex: M Race: B	Rank: Deputy	Unit Assignment: Altadena Station	Work Assignment (Unit #, Module, etc.): 73
ShiftTime (*circle only one*): EM (PM) Day	ShiftType (*circle only one*): (Regular) Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used: N/A
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # — Interviewed? ☐
Hrs of sleep prior to shooting: 8	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest / Plain Clothes w/ Vest / Raid Jacket no Vest / Raid Jacket w/ Vest / Uniform no Vest / (Uniform w/ Vest)	Other Factors:
Age: [redacted]	Height: 506	Weight: 195	
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] — Number of Prior Shootings: [redacted] — Directed Force: [redacted]
Weapons Fired Brand: Beretta	Caliber: 9 mm	# Shots: 1	Weapons Fired Brand: — Caliber: — # Shots:
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.

E

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # — Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest / Plain Clothes w/ Vest / Raid Jacket no Vest / Raid Jacket w/ Vest / Uniform no Vest / Uniform w/ Vest	Other Factors:
Age:	Height:	Weight:	
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☒	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ — Number of Prior Shootings: — Directed Force: ☐
Weapons Fired Brand:	Caliber	# Shots	Weapons Fired Brand: — Caliber — # Shots
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # — Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest / Plain Clothes w/ Vest / Raid Jacket no Vest / Raid Jacket w/ Vest / Uniform no Vest / Uniform w/ Vest	Other Factors:
Age:	Height:	Weight:	
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ — Number of Prior Shootings: — Directed Force: ☐
Weapons Fired Brand:	Caliber	# Shots	Weapons Fired Brand: — Caliber — # Shots
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

Officer Involved Shooting Suspect Information

URN: 009-00779-0773-056

Suspect Information

S 1

Last Name [redacted] First Name [redacted] M.I.

AKA Last Name First Name M.I.

Sex: M Race: W | Street Address: [redacted] City [redacted] State & Zip Code: [redacted]

Work Phone: | Home Phone: [redacted] | Social Security #: [redacted] | Driver's License #:

Age: 16 D.O.B. [redacted] | Height: 600 Weight: 200 | FBI # | CII #

Booking # | Primary Charge: 245(C) PC Secondary Charge:

Coroner Case? ☐ | Coroner Case # | Intoxication/Drug Usage? ☐ | Substance Used:

Armed? ☒ | Apprehended? ☒ | Mental Illness? ☒ | Criminal History? [redacted]

Vehicle Make Model: Year:

S___

Last Name First Name M.I.

AKA Last Name First Name M.I.

Sex: Race: | Street Address: City State & Zip Code:

Work Phone: | Home Phone: | Social Security #: | Driver's License #:

Age: D.O.B. | Height: Weight: | FBI # | CII #

Booking # | Primary Charge: Secondary Charge:

Coroner Case? ☐ | Coroner Case # | Intoxication/Drug Usage? ☐ | Substance Used:

Armed? ☐ | Apprehended? ☐ | Mental Illness? ☐ | Criminal History? ☐

Vehicle Make Model: Year:

S___

Last Name First Name M.I.

AKA Last Name First Name M.I.

Sex: Race: | Street Address: City State & Zip Code:

Work Phone: | Home Phone: | Social Security #: | Driver's License #:

Age: D.O.B. | Height: Weight: | FBI # | CII #

Booking # | Primary Charge: Secondary Charge:

Coroner Case? ☐ | Coroner Case # | Intoxication/Drug Usage? ☐ | Substance Used:

Armed? ☐ | Apprehended? ☐ | Mental Illness? ☐ | Criminal History? ☐

Vehicle Make Model: Year:

S___

Last Name First Name M.I.

AKA Last Name First Name M.I.

Sex: Race: | Street Address: City State & Zip Code:

Work Phone: | Home Phone: | Social Security #: | Driver's License #:

Age: D.O.B. | Height: Weight: | FBI # | CII #

Booking # | Primary Charge: Secondary Charge:

Coroner Case? ☐ | Coroner Case # | Intoxication/Drug Usage? ☐ | Substance Used:

Armed? ☐ | Apprehended? ☐ | Mental Illness? ☐ | Criminal History? ☐

Vehicle Make Model: Year:

See Other Side

SUPPLEMENTAL NON-EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Non-Employee Witnesses

Last Name [redacted]	First Name [redacted]		M.I.
Street Address [redacted]	Zip Code [redacted]	Work Ph [redacted]	Home Ph
Last Name [redacted]	First Name [redacted]		M.I.
Street Address [redacted]	Zip Code [redacted]	Work Ph [redacted]	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

SIGNIFICANT FORCE INCIDENT EVALUATION

UNIT: Altadena Station
DATE: March 10, 2009 (Tuesday)
TIME: 2035 hours
LOCATION: [redacted] Highview Avenue, Altadena
URN#: **009-00779-0773-052**
IAB#: **SH2239896**

NATURE OF
INCIDENT: On March 10, 2009, Deputies Brett Binder and Danta Moore responded to a call of a [redacted] and [redacted] fighting in the front yard. Upon their arrival they saw two males struggling in the middle of the street. Both deputies saw the subject was holding a 12-14 inch knife with both hands over his head and striking the truck with the knife.

Both deputies exited the patrol vehicle and ordered the subject, several times, to drop the knife. The subject refused to comply and angrily yelled "No! Shoot me!" The subject suddenly turned in Deputy Moore's direction with the knife in his right hand. Fearing for his life, Deputy Moore fired one round striking the subject in the torso.

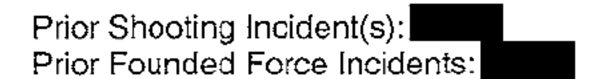
The subject, who was just released from a psychiatric hospital earlier in the day, was transporied to Huntington Memorial Hospital and treated for his injury. The case was presented to the District Attorney's Office and the subject was charged with felony counts in violation of Penal Code section 245(A)(1), Assult By Means Likely to Produce Great Bodily Injury; Penal Code section 245(A)(1), Assault With a Deadly Weapon, and Penal Code section 245©, Assault Upon a Peace Officer.

INVOLVED PERSONNEL:

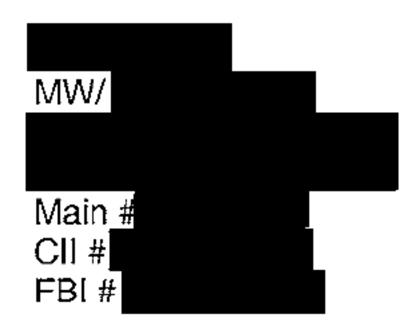
Moore, Danta- Deputy, Employee #[redacted]
Altadena Station
73
Field Operations Region I

EMPLOYEE'S WORK HISTORY:

Date of Employment: 09-20-1999
Date Assigned to Altadena: 08-31-08


Prior Shooting Incident(s): [redacted]
Prior Founded Force Incidents: [redacted]

INVOLVED SUSPECT:


[redacted]
MW/ [redacted]
Main # [redacted]
CII # [redacted]
FBI # [redacted]

Involved Suspect Criminal History:

No Prior Convictions

INVOLVED DEPUTY WITNESSES:

Binder, Brett- Deputy, Employee # [redacted]
Altadena Station
73
Field Operations Region I

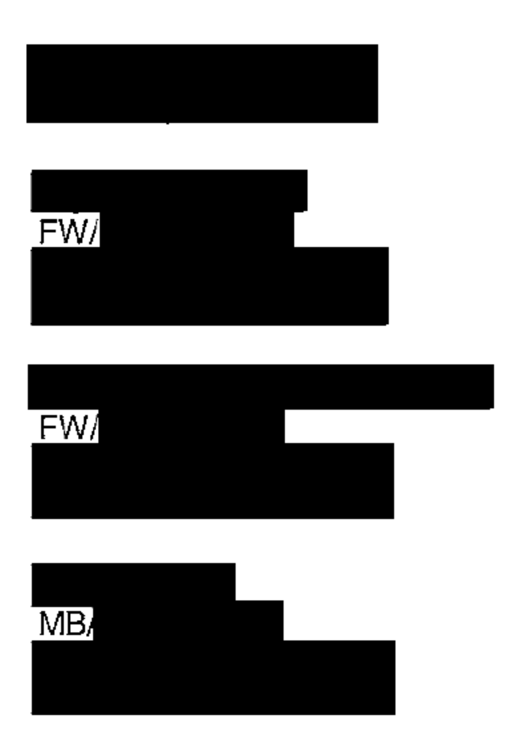
EMPLOYEE'S WORK HISTORY:

Date of Employment: 04-10-1996
Date Assigned to Altadena: 04-01-1997
Prior Shooting Incident(s): [redacted]
Prior Founded Force Incidents: [redacted]

NON-DEPARTMENT WITNESSES:


[redacted]
MW/ [redacted]

[redacted]
FW/ [redacted]



[redacted]

[redacted]
FW/[redacted]

[redacted]
FW/[redacted]

[redacted]
MB/[redacted]

INVOLVED EMPLOYEE STATEMENTS:

SUSPECT'S STATEMENTS:

None

DEPARTMENT WITNESS STATEMENTS:

Deputy Danta Moore was interviewed on October 28, 2009 by Sergeants Albert Maldonado and Jack Ramirez. The interview was conducted at the Internal Affairs Bureau office in the City of Commerce.

Deputy Moore said he was the passenger and his partner (Deputy Binder) was the driver. They were responding from Altadena Sheriff's Station to a report of a family disturbance in which one of the parties involved had a knife. They were an assisting unit and was given authorization to respond Code- 3. As they arrived at the scene he recalled turning onto Highview Avenue and the call being upgraded to an Assault with a Deadly Weapon. He said he immediately saw a person, from a distance of approximately three houses, who appeared to stabbing what appeared to be a knife, downward on a person. As they got closer he saw the person was stabbing the hood of a car and a female was trying to pull him away From the car.

Deputy Moore said it was dark and the street was illuminated by street lights. The car

the subject was stabbing was on his (passenger) side of their vehicle. As they arrived they did so at a high rate of speed and did not have time to communicate and discuss how to tactically handle the situation prior to the vehicle stopping.

Deputy Moore said once their vehicle stopped he stepped out with drew his Department issued 9mm Beretta. He closed his door behind him and stood near the front of the passenger side of his vehicle, approximately 4 to 5 feet away from the subject.

I.A.B Note: Deputy Moore said he stepped towards the front of his vehicle, towards the subject, because he was concerned for the safety of the female who was next to him (subject). The event was rapidly evolving and he did not consider using his car door or the vehicle itself for cover.

He said he immediately ordered the subject, 3 to 4 times, to drop the knife. The subject responded by turning and while facing him said "No, shoot me, shoot me." The female was ordered to move away and the subject stepped towards him with the knife over his head and the blade facing towards him (Moore). Deputy Moore said he thought the subject would attempt to stab him and fearing for his life, fired one round from his handgun at him, striking him in the lower abdomen. The subject immediately dropped the knife and went to the ground. He said he was aware the subject's home was his backdrop and there were no other persons behind the subject.

Deputy Moore said the assisting units arrived just after the shooting and put out the emergency broadcast. He said the knife was still close to the subject and he kicked it away as he held the subject at gunpoint. The assisting units arrived and detained the subject as they awaited the arrival of the paramedics.

I.A.B. Note: This interview as well as the Homicide Bureau interview conducted on 03-11-09 were digitally recorded. The transcripts are included in Exhibit C.

Deputy Brett Binder was interviewed on March 11, 2009 by Homicide Investigators Sergeants Luis Nunez and Detective Richard Tomlin. Deputy Binder (driver) said, due to the nature of the call, he responded at a high rate of speed. When they turned onto to Highview Avenue he, initially, only saw a male, who turned out to be the subject's [redacted] standing behind a pick-up truck. As they drove closer to the location he saw the subject standing over the truck and holding a knife over his head as a female was struggling with him. He was not able to stop his vehicle in time and stopped directly next to the truck. As they stopped he saw the subject strike the top of the truck with the blade of the knife. He said he immediately exited and with his weapon drawn, and ordered him to drop the knife. He attempted to broadcast emergency radio traffic but his radio would not transmit. He saw the subject face Deputy Moore who was also out and standing near the front of their vehicle. He said the subject held the knife with both hands over his head and the blade pointed directly at him (Moore). He (Binder),

(Binder), again, attempted to broadcast emergency radio traffic but his radio would not transmit. He heard a gunshot and saw the subject fall to the ground. He said, initially, he was unaware who fired the gunshot as he was focused on the subject.

I.A.B. Note: This interview was digitally recorded and the transcripts are included in Exhibit C

NON-DEPARTMENT WITNESS STATEMENTS:

Refer to the transcripts of the Homicide Bureau interviews conducted by Investigators Sergeant Luis Nunez and Detective Richard Tomlin on 03-11-09 **(Exhibit C).**

SUSPECT'S INJURIES:

Gun shot wound to the lower abdomen.

DEPUTY PERSONNEL:

None

PHYSICAL EVIDENCE:

(1) Cartridge Case, (1) 9mm Beretta Semi-automatic handgun.

INVESTIGATORS OBSERVATIONS:

No observations.

WEAPONS USED BY DEPUTY PERSONNEL:

Department issued 9mm Beretta Handgun.

WEAPON USED BY SUSPECT:

(1) "Cutco" kitchen knife with a black handle, 5 ½ handle, 9 1/4 blade.

PROPERTY DAMAGE:

None

CRIMINAL INVESTIGATOR and CHARGES FILED:

Investigator: Detective Richard Tomlin #[redacted]
Detective Luis Nunez #[redacted]

Charges Filed: Assault With a Deadly Weapon 245(A)(2) P.C.
Assault With a Deadly Weapon On a Peace Officer, 245© P.C.

WEATHER CONDITIONS AND LIGHTING CONDITIONS:

The incident occurred during the hours of darkness and the location was illuminated by street lights. The weather was clear.



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
JOHN K. SPILLANE • Chief Deputy District Attorney
CURTIS A. HAZELL • Assistant District Attorney

JANICE L. MAURIZI • Director

DL 111228 09-0909

August 25, 2009

Captain David Smith
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

RE: J. S. I. D. File No. 09-0150
L.A.S.D. File No. # 009-00779-0773-052

Dear Captain Smith:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the March 10, 2009, non-fatal shooting of [redacted] by Los Angeles County Sheriff's Department Deputy Danta Moore. We have concluded that Deputy Moore acted lawfully in self-defense.

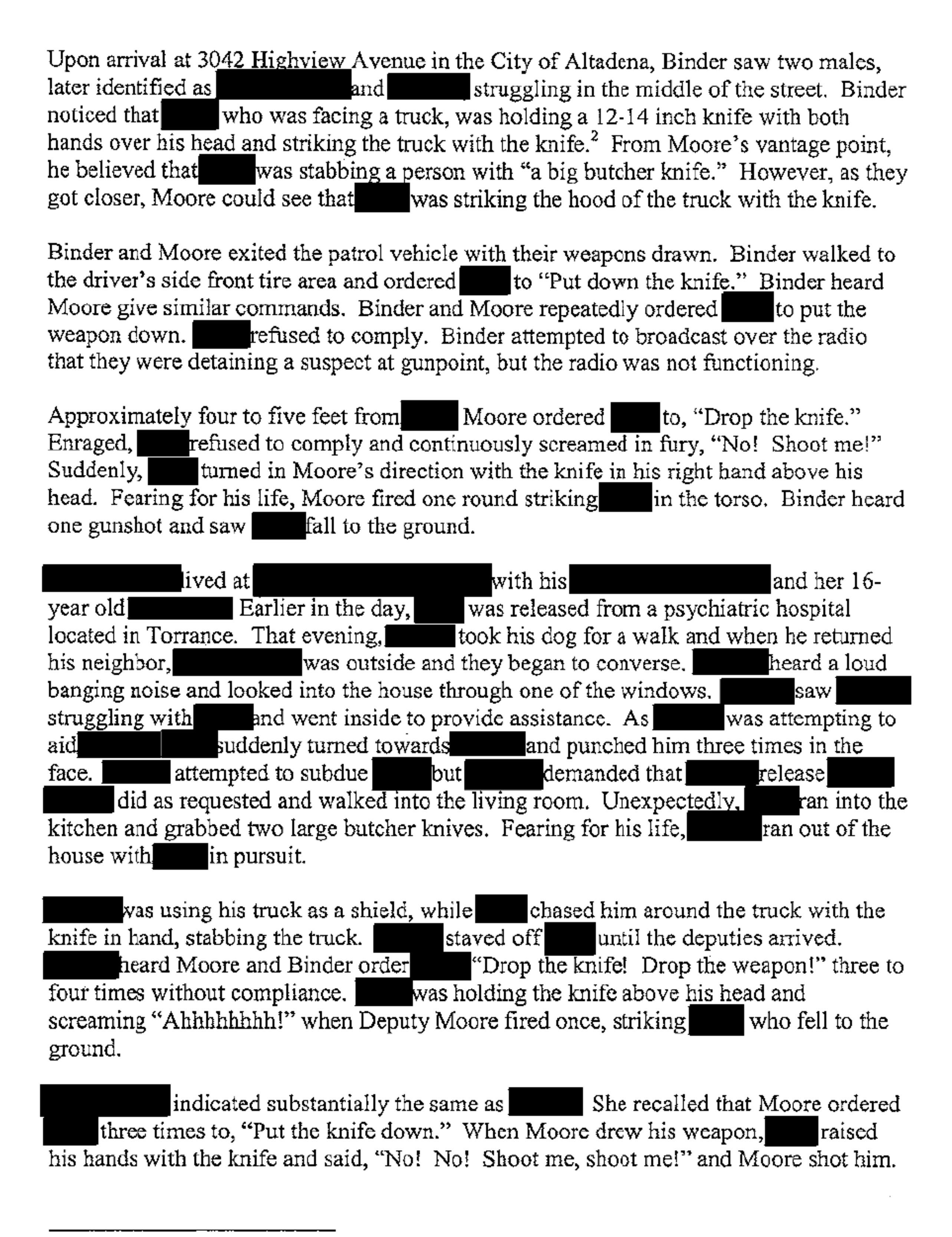
The following analysis is based upon investigative reports, property reports, analyzed evidence reports, and summaries of witness' statements taken during the investigation by the Los Angeles County Sheriff's Department (LASD), and submitted to this office by Detective Richard Tomlin on July 29, 2009. The District Attorney Command Center was notified of the shooting at approximately 9:40 p.m. on March 10, 2009. The District Attorney Response Team, comprised of Deputy District Attorney Margo Baxter and District Attorney Senior Investigator [redacted] responded to the scene. They were given a briefing of the circumstances surrounding the shooting and a "walk-through" of the scene. Compelled statements were not considered in our analysis.

FACTUAL ANALYSIS

On March 10, 2009, Deputies Brett Binder and Danta Moore were assigned to the Altadena Sheriff's station working patrol on the PM shift. That evening Binder was the driver and Moore was the passenger in the patrol vehicle. At approximately 8:30 p.m. "a fight call was dispatched and the information of the call was that [redacted] and [redacted] were fighting in the front yard."

[1] [redacted] is a minor.

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Upon arrival at 3042 Highview Avenue in the City of Altadena, Binder saw two males, later identified as [redacted] and [redacted] struggling in the middle of the street. Binder noticed that [redacted] who was facing a truck, was holding a 12-14 inch knife with both hands over his head and striking the truck with the knife.[2] From Moore's vantage point, he believed that [redacted] was stabbing a person with "a big butcher knife." However, as they got closer, Moore could see that [redacted] was striking the hood of the truck with the knife.

Binder and Moore exited the patrol vehicle with their weapons drawn. Binder walked to the driver's side front tire area and ordered [redacted] to "Put down the knife." Binder heard Moore give similar commands. Binder and Moore repeatedly ordered [redacted] to put the weapon down. [redacted] refused to comply. Binder attempted to broadcast over the radio that they were detaining a suspect at gunpoint, but the radio was not functioning.

Approximately four to five feet from [redacted] Moore ordered [redacted] to, "Drop the knife." Enraged, [redacted] refused to comply and continuously screamed in fury, "No! Shoot me!" Suddenly, [redacted] turned in Moore's direction with the knife in his right hand above his head. Fearing for his life, Moore fired one round striking [redacted] in the torso. Binder heard one gunshot and saw [redacted] fall to the ground.

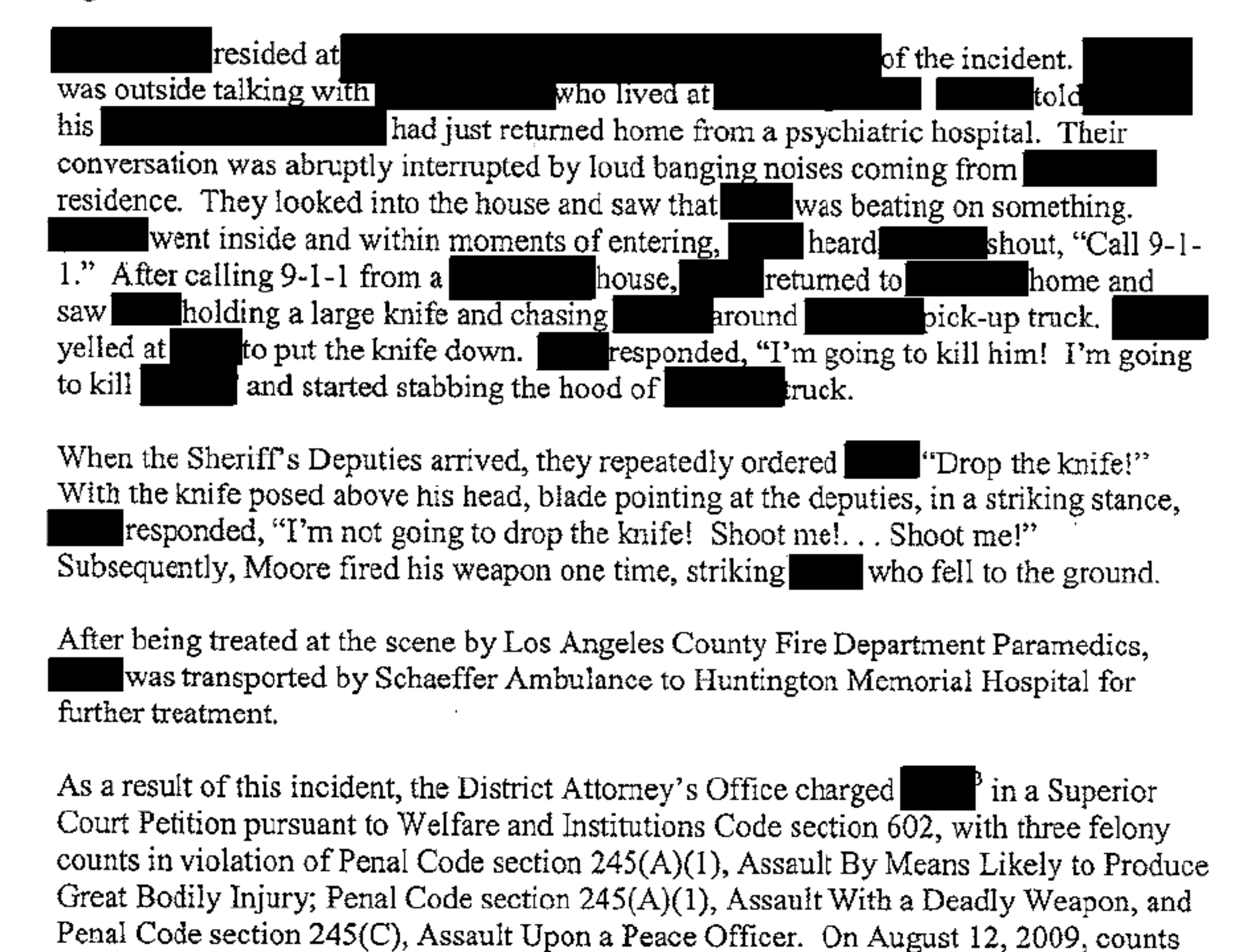
[redacted] lived at [redacted] with his [redacted] and her 16-year old [redacted] Earlier in the day, [redacted] was released from a psychiatric hospital located in Torrance. That evening, [redacted] took his dog for a walk and when he returned his neighbor, [redacted] was outside and they began to converse. [redacted] heard a loud banging noise and looked into the house through one of the windows. [redacted] saw [redacted] struggling with [redacted] and went inside to provide assistance. As [redacted] was attempting to aid [redacted] [redacted] suddenly turned towards [redacted] and punched him three times in the face. [redacted] attempted to subdue [redacted] but [redacted] demanded that [redacted] release [redacted] [redacted] did as requested and walked into the living room. Unexpectedly, [redacted] ran into the kitchen and grabbed two large butcher knives. Fearing for his life, [redacted] ran out of the house with [redacted] in pursuit.

[redacted] was using his truck as a shield, while [redacted] chased him around the truck with the knife in hand, stabbing the truck. [redacted] staved off [redacted] until the deputies arrived. [redacted] heard Moore and Binder order [redacted] "Drop the knife! Drop the weapon!" three to four times without compliance. [redacted] was holding the knife above his head and screaming "Ahhhhhhhh!" when Deputy Moore fired once, striking [redacted] who fell to the ground.

[redacted] indicated substantially the same as [redacted] She recalled that Moore ordered [redacted] three times to, "Put the knife down." When Moore drew his weapon, [redacted] raised his hands with the knife and said, "No! No! Shoot me, shoot me!" and Moore shot him.

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[2] The knife was measured to have a 9 ¼ inch blade with a 5 ½ inch handle and a total length of 14 ¾ inches.



[redacted] resided at [redacted] of the incident. [redacted] was outside talking with [redacted] who lived at [redacted] [redacted] told [redacted] his [redacted] had just returned home from a psychiatric hospital. Their conversation was abruptly interrupted by loud banging noises coming from [redacted] residence. They looked into the house and saw that [redacted] was beating on something. [redacted] went inside and within moments of entering, [redacted] heard [redacted] shout, "Call 9-1-1." After calling 9-1-1 from a [redacted] house, [redacted] returned to [redacted] home and saw [redacted] holding a large knife and chasing [redacted] around [redacted] pick-up truck. [redacted] yelled at [redacted] to put the knife down. [redacted] responded, "I'm going to kill him! I'm going to kill [redacted] and started stabbing the hood of [redacted] truck.

When the Sheriff's Deputies arrived, they repeatedly ordered [redacted] "Drop the knife!" With the knife posed above his head, blade pointing at the deputies, in a striking stance, [redacted] responded, "I'm not going to drop the knife! Shoot me!. . . Shoot me!" Subsequently, Moore fired his weapon one time, striking [redacted] who fell to the ground.

After being treated at the scene by Los Angeles County Fire Department Paramedics, [redacted] was transported by Schaeffer Ambulance to Huntington Memorial Hospital for further treatment.

As a result of this incident, the District Attorney's Office charged [redacted][3] in a Superior Court Petition pursuant to Welfare and Institutions Code section 602, with three felony counts in violation of Penal Code section 245(A)(1), Assault By Means Likely to Produce Great Bodily Injury; Penal Code section 245(A)(1), Assault With a Deadly Weapon, and Penal Code section 245(C), Assault Upon a Peace Officer. On August 12, 2009, counts one and three were dismissed and count two was sustained with the minor suitably placed.

LEGAL ANALYSIS

California law permits the use of deadly force in self-defense or in the defense of others if it reasonably appears to the person claiming the right of self-defense or the defense of others that he actually and reasonably believed that he or others were in imminent danger of great bodily injury or death. (*People v. Williams* (1977) 75 Cal.App.3d 731.)

In protecting himself or another, a person may use all force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent. *California Criminal Jury Instructions 3470.*

When the peril is swift and imminent and the necessity for action immediate, the law does not weigh into nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety. (*People v. Collins* (1961) 189 Cal. App.3d 575).

[3] [redacted] was 16-years old at the time of the incident.

CONCLUSION

The evidence examined in this investigation shows that [redacted] attempted to stab [redacted] with a very large butcher knife. Additionally, [redacted] refused to comply with repeated commands given by Deputies Binder and Moore to drop the knife. [redacted] in an enraged frame of mind, raised his knife to a stabbing position and turned towards Deputy Danta Moore, who was four to five feet away. Fearing that he was about to be killed or severely injured, Deputy Moore, fired one round, striking [redacted] once in the torso, and ultimately ending a potentially lethal situation.

Given the rapidly evolving, life-threatening situation that confronted Deputy Danta Moore, we conclude he acted lawfully in self-defense. We are therefore closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By

CORENE S. LOCKE-NOBLE
Deputy District Attorney
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c: Deputy Danta Moore #[redacted]